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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,338	11/17/2003	Albino Pidutti	2110-87-3	2402

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GRAYBEAL JACKSON HALEY LLP  
Suite 350  
155-108th Avenue N.E.  
Bellevue, WA 98004-5973

EXAMINER
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MIS, DAVID C

ART UNIT	PAPER NUMBER
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2817

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/715,338

**Applicant(s)**

PIDUTTI ET AL.

**Examiner**

David Mis

**Art Unit**

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 1-13, 15, 16 and 18-21 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, "a voltage at the terminals" is unclear since "a voltage" is one voltage while there are more than one "terminals"; "a voltage" is only at one of the capacitor terminals, --a terminal--; and there is no antecedent basis in the claim for the implied other voltage(s) at "the terminals" from the set of voltages which "a voltage" is a member, which does not clearly say which of the set of voltages is not said "a voltage".

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 9-12, 15, 16, 18-21 are rejected under 35 U.S.C. 102(b.) as being clearly anticipated by Gontowski.

Gontowski disclosed an oscillator (Abstract) comprising a capacitor (C) having first and second nodes (Figure); a current source (N14) operable to be coupled to the first node of the capacitor and to charge the capacitor during a charge portion of the oscillating period (column 2, lines 40-43; column 3, lines 63-67); and a resistor (RN) coupled to the first node of the capacitor (Figure) and operable to discharge the capacitor during a discharge portion of the oscillating period (column 2, lines 26-29; column 3, lines 11-15); Re. Claim 10, (Figure, C); Re. Claim 11, (Figure, RN); Re. Claim 12, (RN discharges the capacitor during a first of the discharge period since it discharges C during all portions of the discharge portion; and N16 is a discharge switch coupled to the first node of C and which discharges C

during a second portion of the discharge period which is defined as the portion of the discharge period that it is conducting; column 4, lines 48-51); Re. Claim 16, (RC, column 2, lines 41-44); Re. Claim 21, "uncoupling" is accomplished by N14 being off because even though it is wired to C, it is not a current source when it is off)

3. Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(b.) as being clearly anticipated by D'Arrigo et al.

D'Arrigo et al disclosed a programmable oscillator (Title) comprising a capacitor (C), a current generator (Figure 3, 138) couplable (140) to said capacitor that generates a charging current of said capacitor (column 3, lines 29-31); further comprising at least one resistance coupled to said capacitor (the inherent series resistance of the capacitor); a comparator (134) coupled to said capacitor (144) for comparing a voltage at the terminals of said capacitor with a prefixed reference voltage (134, upper threshold, column 2, lines 17-30 and column 3, lines 27-33) and for generating an output signal(146 via 132); a first switch (136), controlled by said output signal, coupled to said capacitor (via ground or via 142), that creates a current path able to facilitate the discharging of said capacitor (column 3, lines 31-38); where the OUTPUT signal is logic high and logic low from 38, which the threshold voltage lies between; switch (136) is in a series circuit placed in

parallel with (C) and thus is placed in parallel with (C), and the series circuit short circuits the capacitor and thus so does the switch; the second switch is (144) and it is responsive to the capacitor voltage via (134).

4. Claims 1, 3-6, 9-11, 13, 18, 19 and 21 are rejected under 35 U.S.C. 102(e.) as being clearly anticipated by Huang et al.

Huang et al disclosed a programmable oscillator (Title) comprising a capacitor (114); a current generator (charge circuit 108 Figure 2, 300 Figure 6) couplable (CTRL, 304) to said capacitor that generates a charging current of said capacitor (column 3, lines 18-21); further comprising at least one resistance (the discharge circuit resistances) coupled to said capacitor; a comparator (102) coupled to said capacitor (112) for comparing a voltage at the terminals of said capacitor with a prefixed reference voltage (column 4, lines 1-13) and for generating an output signal (CTRL); a first switch (Figure 6, 306), controlled by said output signal (CTRL), coupled to said capacitor, that creates a current path able to facilitate the discharging of said capacitor (Figure 6, discharge circuit); the second switch is (304).

5. Claims 1-3, 5-8, 18 and 21 are rejected under 35 U.S.C. 102(b.) as being clearly anticipated by the prior art disclosed by Applicant related to Figure 2.

CGO compares the CF voltage with V6 and operates switch COM switch S-A to discharge CCF through T4; and the "resistance" is the inherent series resistance of CCF.

6. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claim 17 is allowed.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Mis whose telephone number is (571)272-1765. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571)272-1769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Mis  
Primary Examiner  
Art Unit 2817